

1 GEORGE A. RILEY (State Bar No. 118304)  
2 O'MELVENY & MYERS LLP  
3 Two Embarcadero Center  
4 28th Floor  
5 San Francisco, California 94111-3828  
6 Telephone: (415) 984-8700  
7 Facsimile: (415) 984-8701  
8 E-Mail: griley@omm.com  
9 Attorneys for Defendant APPLE INC.

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6 JAY W. EISENHOFER (*admitted pro hac vice*)  
7 MICHAEL J. BARRY (*admitted pro hac vice*)  
8 GRANT & EISENHOFER P.A.  
9 Chase Manhattan Centre  
10 1201 N. Market Street  
11 Wilmington, Delaware 19801  
12 Telephone: (302) 622-7000  
13 Facsimile: (302) 622-7100  
14 E-Mail: jeisenhofer@gelaw.com  
15 mbarry@gelaw.com  
16 Attorneys for Lead Plaintiff THE NEW YORK CITY EMPLOYEES'  
17 RETIREMENT SYSTEM

18 (Additional Counsel Listed on Signature Page)

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

IN RE APPLE INC. SECURITIES  
LITIGATION

Case No. C06-05208-JF

CLASS ACTION

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

**STIPULATION AND ~~[PROPOSED]~~**  
**ORDER REGARDING SCHEDULING**  
**MATTERS**

Department: Ctrm. 3, 5th Floor  
Judge: Honorable Jeremy Fogel

1 WHEREAS, on August 24, 2006, plaintiffs Vogel and Mahoney filed a class action  
2 complaint in this Court alleging that certain defendants violated the Securities Exchange Act of  
3 1934 (the "Exchange Act"), including § 10(b) and Rule 10b-5 thereunder, and § 20(a) ("*Vogel*  
4 *I*");

5 WHEREAS, on June 27, 2008, plaintiffs Vogel and Mahoney filed a new class action  
6 complaint in this Court alleging that certain defendants violated the Exchange Act, including  
7 § 10(b) and Rule 10b-5 thereunder, and § 20(a) ("*Vogel II*");

8 WHEREAS, on April 8, 2010, this Court entered an order consolidating *Vogel I* and *Vogel*  
9 *II*, extending defendants' time to respond to the complaint to June 25, 2010, and setting a briefing  
10 schedule in the event that defendants respond to the complaint by filing motions;

11 WHEREAS, on May 14, 2010, plaintiffs filed a [Corrected] First Amended Consolidated  
12 Class Action Complaint ("Complaint");

13 WHEREAS, on August 31, 2010, the Court entered an order continuing a Case  
14 Management Conference scheduled for September 3, 2010, at 10:30 a.m., to September 24, 2010,  
15 at 10:30 a.m., and extending defendants' time to respond to the Complaint to October 1, 2010;

16 WHEREAS, September 20, 2010, the Clerk of the Court issued a Clerk's Notice  
17 continuing the Case Management Conference set for September 24, 2010, to October 1, 2010, at  
18 10:30 a.m.;

19 WHEREAS, on September 28, 2010, the parties filed a Stipulation and Agreement of  
20 Settlement and requested entry of an order preliminarily approving the settlement, directing  
21 notice of the settlement, and scheduling a settlement fairness hearing;

22 WHEREAS, on September 29, 2010, the Court entered an order setting the hearing on  
23 plaintiffs' unopposed motion for preliminary approval of the settlement for October 7, 2010, at  
24 10:00 a.m., and continued the Case Management Conference set for October 1, 2010, to October  
25 7, 2010, to be heard with the motion;

26 NOW, THEREFORE, counsel for plaintiffs, counsel for Apple Inc., and counsel for  
27 individual defendants Fred D. Anderson, William V. Campbell, Millard S. Drexler, Nancy R.  
28

Heinen, Steven P. Jobs, Arthur D. Levinson and Jerome B. York hereby stipulate and agree, and respectfully request that the Court enter an order, as follows:

1. Defendants shall not be required to respond to the Complaint pending the Court's consideration of the proposed settlement.

Dated: October 1, 2010

GEORGE A. RILEY  
O'MELVENY & MYERS LLP

By: /s/ George A. Riley

George A. Riley

Attorneys for Defendant  
APPLE INC.

Dated: October 1, 2010

DOUGLAS R. YOUNG (S.B. #73248)  
FARELLA BRAUN & MARTEL LLP  
Russ Building  
235 Montgomery Street, 17th floor  
San Francisco, CA 94104  
Telephone: (415) 954-4400  
Facsimile: (415) 954-4480  
E-Mail: dyoung@fbm.com

By: /s/ Douglas R. Young

Douglas R. Young

Attorneys for Defendants  
STEVEN P. JOBS, WILLIAM V.  
CAMPBELL, MILLARD S. DREXLER,  
ARTHUR D. LEVINSON and JEROME B.  
YORK

Dated: October 1, 2010

JEROME C. ROTH (S.B. #159483)  
YOHANCE C. EDWARDS (S.B. #237244)  
MUNGER, TOLLES & OLSON LLP  
560 Mission Street, 27th Floor  
San Francisco, California 94105  
Telephone: (415) 512-4000  
Facsimile: (415) 512-4077  
E-Mail: Jerome.Roth@mto.com  
Yohance.Edwards@mto.com

By: /s/ Yohance C. Edwards

Yohance C. Edwards

Attorneys for Defendants  
FRED D. ANDERSON and NANCY R.  
HEINEN

1 Dated: October 1, 2010

JAY W. EISENHOFER (*admitted pro hac vice*)  
MICHAEL J. BARRY (*admitted pro hac vice*)  
GRANT & EISENHOFER P.A.  
Chase Manhattan Centre  
1201 N. Market Street  
Wilmington, Delaware 19801  
Telephone: (302) 622-7000  
Facsimile: (302) 622-7100  
E-Mail: jeisenhofer@gelaw.com  
mbarry@gelaw.com

7 By: /s/ Michael J. Barry

8 Michael J. Barry

9 MERRILL GLEN EMERICK (SB# 117248)  
ANDERLINI & EMERICK LLP  
411 Borel Avenue, Suite 501  
San Mateo, California 94402  
Telephone: (650) 242-4884  
Facsimile: (650) 212-0081

12 Attorneys for Lead Plaintiff  
13 THE NEW YORK CITY EMPLOYEES'  
14 RETIREMENT SYSTEM

15 I, George A. Riley, am the ECF User whose ID and password are being used to file this  
16 Stipulation and [Proposed] Order Regarding Scheduling Matters. In compliance with General  
17 Order 45, X.B., I hereby attest that Douglas R. Young, Yohance C. Edwards and Michael J. Barry  
18 have concurred in this filing.

19 By: /s/ George A. Riley

20 George A. Riley

21  
22 **ORDER**

23 PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

24  
25 DATED: Oct. 5, 2010

26   
The Honorable Terrence J. Fogel  
United States District Judge

27 MP1:1199544.1